UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/51/616
27 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 107

PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its third plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Programme of activities of the International Decade of the World's Indigenous People" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 29th, 31st, 40th and 42nd meetings, on 8, 11, 15 and 18 November 1996. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/51/SR.29, 31, 40 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on a review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493);

(b) Report of the Secretary-General on progress made at the national, regional and international levels in accomplishing the objectives of the Decade and the programme of activities for the Decade (A/51/499);

(c) Report of the Secretary-General on status of the United Nations Voluntary Fund for Indigenous Populations (A/51/565);

96-34030 (E) 031296

/...

(d) Note verbale dated 5 August 1996 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (A/51/293).

4. At the 29th meeting, on 8 November, the Assistant Secretary-General for Human Rights made an introductory statement.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/51/L.30

5. At the 40th meeting, on 15 November 1996, the representative of Australia, on behalf of Antigua and Barbuda, Argentina, Armenia, Australia, Bhutan, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, Greece, Guatemala, Guyana, Iceland, Mexico, New Zealand, Nicaragua, Norway, Peru, Solomon Islands, Spain, Sweden and Uruguay, introduced a draft resolution entitled "International Decade of the World's Indigenous People" (A/C.3/51/L.30). Subsequently, the Congo, Kyrgyzstan, the Netherlands and the Philippines joined in sponsoring the draft resolution.

6. At the same meeting, the representative of Australia orally revised the draft resolution as follows:

(a) In operative paragraph 5, the word "meetings" was replaced with "sessions";

(b) In operative paragraph 15, the words "in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations and the Working Group charged with elaborating a draft declaration on the rights of indigenous people" were added at the end of the paragraph;

(c) A new operative paragraph 20 was added, reading as follows:

> "20. Encourages Governments to consider contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the achievement of the Decade"

and the subsequent paragraphs were renumbered accordingly.

7. At its 42nd meeting, on 18 November, the Committee adopted draft resolution A/C.3/51/L.30, as orally revised, without a vote (see para. 10).

8. Before the adoption of the draft resolution, the representatives of the Russian Federation and the United States of America made statements (see A/C.3/51/SR.42).

9. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/51/SR.42).

III. RECOMMENDATION OF THE THIRD COMMITTEE

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

International Decade of the World's Indigenous People

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its previous resolutions on the International Decade of the World's Indigenous People, as well as those of the Commission on Human Rights,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Taking note of Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous people, and encouraged efforts to promote coordination in this field and greater participation of indigenous people in the planning and implementation of projects affecting them,

Recalling its resolution 50/156 of 21 December 1995,

1. Affirms its conviction of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

2. Notes that the programme of activities for the International Decade of the World's Indigenous People may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

3. Takes note of the report of the Secretary-General on the implementation of the programme of activities for the Decade;[1]

4. Welcomes the resolve of the United Nations High Commissioner for Human Rights to strengthen efforts to achieve the goals of the programme of activities for the Decade;[2]

5. Reaffirms as a major objective of the Decade the adoption of a declaration on the rights of indigenous people, and notes that there have been two sessions of the open-ended inter-sessional Working Group of the Commission on Human Rights established pursuant to Commission resolution 1995/32 of 3 March 1995[3] with the sole purpose of elaborating a draft declaration, considering the draft United Nations declaration on the rights of indigenous peoples, annexed to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities;

6. Underlines the importance of effective participation by indigenous representatives in the Working Group, and encourages organizations of indigenous people that are not already registered to participate and wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

7. Welcomes the Secretary-General's review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people,[4] and requests the Secretary-General to transmit the review, prior to the fifty-third session of the Commission on Human Rights, to Governments, indigenous people and relevant international organizations for their comments;

8. Recognizes amongst the objectives of the Decade, as listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

9. Recalls its recommendation as contained in General Assembly resolution 50/157 of 21 December 1995 that the Commission on Human Rights, drawing on the results of the Copenhagen workshop[5] and the Secretary-General's review, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people;

10. Recommends in the light of the review that efforts be made to ensure that relevant United Nations bodies and agencies, as well as other relevant

---

[1] A/51/499.

[2] Resolution 50/157, annex.

[3] Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[4] A/51/493.

[5] E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3.

United Nations organizations, take part in any further consultations on the issue, and welcomes the offer of the Government of Chile to host a second workshop;

11. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

12. Reaffirms the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems and, for these purposes, its recommendation that the United Nations University consider the possibility of sponsoring, in each region, one or more institutions of higher education as centres of excellence and the diffusion of expertise, and invites the Commission on Human Rights to recommend appropriate means of implementation;

13. Emphasizes the importance of action at the national level for the implementation of the goals and activities of the Decade;

14. Encourages Governments to support the Decade by:

(a) Contributing to the United Nations Trust Fund for the Decade;

(b) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(c) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(d) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

15. Encourages Governments and other donors to contribute to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations and the Working Group charged with elaborating a draft declaration on the rights of indigenous people;

16. Appeals to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

17. Invites the United Nations financial and developmental institutions, operational programmes and specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, including by preparation of specific programmes of action

for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise amongst indigenous people and other relevant experts;

(c) To designate focal points for coordination with the Centre for Human Rights of the Secretariat of activities related to the Decade;

18. Recommends that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant world conferences, namely, the World Conference on Human Rights, the United Nations Conference on Environment and Development, the International Conference on Population and Development, the Fourth World Conference on Women and the World Summit for Social Development;

19. Requests the United Nations High Commissioner for Human Rights when developing programmes within the framework of the Human Rights Education Decade to give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

20. Encourages Governments to consider contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

21. Decides to include in the provisional agenda of its fifty-second session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/617
27 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 108

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled, "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 109 at its 24th to 28th meetings, from 5 to 7 November 1996, and took action on the item at its 36th and 49th meetings, on 13 and 22 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/51/SR.24-28, 36 and 49).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 1996;[1]

(b) Report of the Committee on the Elimination of Racial Discrimination;[2]

---

[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 3 (A/51/3).

[2] Ibid., Supplement No. 18 (A/51/18).

(c) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/51/301);

(d) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/51/427);

(e) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/51/430);

(f) Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/51/435);

(g) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/51/541);

(h) Letter dated 27 March 1996 from the Permanent Representation of Mexico to the United Nations addressed to the Secretary-General transmitting the joint communiqué issued at the Regional Conference on Migration, held in Puebla, Mexico on 13 and 14 March 1996 (A/51/90);

(i) Letter dated 30 September 1996 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General transmitting the Declaration on the Movement of Non-Aligned Countries adopted at the meeting held on 24 September 1996 at United Nations Headquarters (A/51/462-S/1996/831);

(j) Report of the Secretary-General entitled "Social, humanitarian and human rights questions: implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" (E/1996/83).

4. At the 24th meeting, on 5 November, the Assistant Secretary-General for Human Rights made an introductory statement. The Committee also heard a statement by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance (see A/C.3/51/SR.24).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/51/L.23 and Rev.1

5. At the 36th meeting, on 13 November, the representative of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Turkey, introduced a draft resolution entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/C.3/51/L.23), which read:

"The General Assembly,

"Recalling its resolution 50/135 of 21 December 1995 and Commission on Human Rights resolution 1996/21 of 19 April 1996,[3]

"Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[4] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

"Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[5] including his conclusions and recommendations,

"Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance occurring in growing segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and members of their families,

"Affirming that, under international law, racism is not an opinion but an offence, and in this regard endorsing Committee on the Elimination of Racial Discrimination general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which it is considered that the prohibition of the dissemination of ideas based upon racial superiority or racial hatred can be a lawful restriction to the rights to the freedoms of opinion,

---

[3] See E/1996/L.18; for the final text, see Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[4] A/CONF.157/24 (Part I), chap. III.

[5] A/51/301, annex.

expression and association as set forth in the Universal Declaration of Human Rights and article 5 of the Convention,[6]

"Conscious also that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence to such crimes,

"Underlining the importance of creating conditions which foster greater harmony and tolerance within societies,

"1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[5]

"2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and specialized agencies in order to further their effectiveness and mutual cooperation;

"3. Regrets that the Special Rapporteur has continued to encounter difficulties in his effort to fulfil his mandate, owing to the lack of necessary resources;

"4. Endorses the recommendation of the Special Rapporteur to convene without further delay a world conference on racism, racial discrimination, xenophobia and related intolerance, and to include the question of immigration and xenophobia in the agenda;[7]

"5. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;

"6. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

"7. Encourages all States, in accordance with the conclusions and recommendations of the Special Rapporteur in his report,[5] to include in their educational curricula and social programmes, at all levels as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

"8. Supports the efforts of Governments to take measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

---

[6] See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), chap. VIII, sect. B.

[7] See A/51/301, annex, para. 57.

"9. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

"10. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

"11. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to cooperate with and to supply relevant information to the Special Rapporteur;

"12. Commends non-governmental organizations for their action against racism and racial discrimination and for their continuous support and assistance to the victims of racism and racial discrimination;

"13. Urges all Governments to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate;

"14. Urges the Centre for Human Rights of the Secretariat to expeditiously facilitate the work of the Special Rapporteur;

"15. Requests once again the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit, in a timely manner, a report on this question to the General Assembly at its fifty-second session."

6. At its 49th meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/51/L.23/Rev.1), submitted by the sponsors of draft resolution A/C.3/51/L.23.

7. At the same meeting, a statement was made by the representative of Costa Rica, on behalf of the States Members of the United Nations that are members of the Group of 77 and China.

8. The Committee then adopted revised draft resolution A/C.3/51/L.23/Rev.1 without a vote (see para. 15, draft resolution I).

B. Draft resolution A/C.3/51/L.24

9. At the 35th meeting, on 13 November, the representative of Slovenia, on behalf of Austria, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Luxembourg, Micronesia (Federated States of), Morocco, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Pakistan, Panama, Portugal, Romania, Slovakia, Slovenia, Solomon Islands, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/51/L.24). Subsequently, Argentina, the Czech Republic,

the Dominican Republic, El Salvador, Japan, Madagascar, Namibia, Peru, San Marino, South Africa, the former Yugoslav Republic of Macedonia, Togo and Zambia joined in sponsoring the draft resolution.

10. At its 38th meeting, on 14 November, the Committee adopted draft resolution A/C.3/51/L.24 without a vote (see para. 15, draft resolution II).

C. Draft resolution A/C.3/51/L.27 and Rev.1

11. At the 35th meeting, on 13 November, the representative of Costa Rica, on behalf of the States members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Third Decade to Combat Racism and Racial Discrimination" (A/C.3/51/L.27), which read:

"The General Assembly,

"Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

"Recalling the Universal Declaration of Human Rights,[8] the International Convention on the Elimination of All Forms of Racial Discrimination[9] and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[10]

"Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

"Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[11] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

---

[8] Resolution 217 A (III).

[9] Resolution 2106 A (XX), annex.

[10] United Nations Treaty Series vol. 429, No. 6193.

[11] A/CONF.157/24 (Part I), chap. III.

"Stressing the importance of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

"Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

"Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia, ethnic antagonism and acts of violence resulting therefrom are on the increase,

"Noting with concern that technological developments in the field of communication, including computer networks such as the Internet, have been used for dissemination of racist and xenophobic propaganda all over the world,

"Having considered the reports submitted by the Secretary-General[12] within the framework of the implementation of the Programme of Action for the Third Decade,

"Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

"Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

"Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

"Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[13]

"Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

---

[12] E/1996/83 and A/51/541.

[13] Resolution 45/158, annex.

"1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrine of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

"2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

"3. Calls upon Governments to cooperate more closely with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to enable him to fulfil his mandate;

"4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

"5. Requests the United Nations High Commissioner for Human Rights to give the highest priority in the Centre for Human Rights of the Secretariat to programmes and activities for combating racism and racial discrimination and to the follow-up of those programmes and activities;

"6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

"7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

"8. Commends all States which have ratified or acceded to the international instruments to combat racism and racial discrimination;

"9. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

"10. Recommends that a seminar be organized by the Centre for Human Rights in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other relevant United Nations bodies, non-governmental organizations and Internet service providers, with a view to assessing the role of the Internet and to suggesting ways and means for its responsible use in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

"11. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in

particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

"12. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

"13. Requests States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

"14. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

"15. Considers that all the parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

"16. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, which was reflected in the fact that the Centre for Human Rights was able to organize only one seminar since its adoption by the General Assembly in 1993;

"17. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

"18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

"19. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

"20. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

"21. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

"22. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade;

"23. Notes that unless a supplementary financial effort is made very few of the activities planned for the period 1994-1997 will be carried out;

"24. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

"25. Decides to convene a world conference to combat racism, racial discrimination, xenophobia and related intolerance by the year 1999;

"26. Decides to keep the item entitled 'Elimination of racism and racial discrimination' on its agenda and to consider it as a matter of the highest priority at its fifty-second session."

12. At its 49th meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/51/L.27/Rev.1) submitted by the sponsor of draft resolution A/C.3/51/L.27 and Mexico. Subsequently, the former Yugoslav Republic of Macedonia and Turkey joined in sponsoring the revised draft resolution.

13. At the same meeting, the Committee adopted revised draft resolution A/C.3/51/L.27/Rev.1 without a vote (see para. 15, draft resolution III).

D. Draft decision

14. At its 49th meeting, on 22 November, on the proposal of the Chairperson, the Committee adopted a draft decision, without a vote, by which the General Assembly would take note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/51/427) (see para. 16).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

15. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 50/135 of 21 December 1995 and Commission on Human Rights resolution 1996/21 of 19 April 1996,[14]

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[15] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[16] including his conclusions and recommendations,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance which are increasingly visible in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and members of their families,

Taking note of the final report on freedom of opinion and expression, submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Turk, in which the Special Rapporteurs conclude that, under international law, racism is not an opinion but an offence,[17]

---

[14] See E/1996/L.18; to be issued in final form as Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[15] A/CONF.157/24 (Part I), chap. III.

[16] A/51/301, annex.

[17] E/CN.4/Sub.2/1992/9 and Add.1.

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,[18]

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence to such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

Regretting that the Special Rapporteur has continued to encounter difficulties in his effort to fulfil his mandate, owing to the lack of necessary resources,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[16]

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and specialized agencies in order to further their effectiveness and mutual cooperation;

3. Takes note of the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance, and to include the question of immigration and xenophobia in its agenda;[19]

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. Encourages all States, in accordance with the conclusions and recommendations of the Special Rapporteur in his report,[16] to include in their educational curricula and social programmes, at all levels as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

---

[18] See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), chap. VIII, sect. B.

[19] See A/51/301, annex. para. 57.

7. Encourages the efforts of Governments to take measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

8. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

9. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

10. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to cooperate with and to supply relevant information to the Special Rapporteur;

11. Commends non-governmental organizations for their action against racism and racial discrimination and for their continuous support and assistance to the victims of racism and racial discrimination;

12. Urges all Governments to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate;

13. Requests once again the Secretary-General to provide, without any further delay, the Special Rapporteur, as in the case of other Special Rapporteurs, with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit, in a timely manner, an interim report on this question to the General Assembly at its fifty-second session.

DRAFT RESOLUTION II

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[20]

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reiterating once again the need to intensify the struggle for the elimination of all forms of racism and racial discrimination throughout the world, especially its most brutal forms,

---

[20] Resolution 2106 A (XX), annex.

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Expressing its satisfaction at the entry into force on 3 December 1982 of the competence of the Committee to receive and consider communications from individuals or groups of individuals under article 14 of the Convention,

Bearing in mind the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[21] in particular section II.B, relating to equality, dignity and tolerance, and General Assembly resolution 50/201 of 22 December 1995, in particular paragraph 9 thereof,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and concerned that an amendment to the Convention has not yet entered into force,

Welcoming efforts of the Secretary-General to ensure interim financial arrangements for the financing of the expenses incurred by the Committee,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I

Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on the work of its forty-eighth and forty-ninth sessions;[22]

---

[21] A/CONF.157/24 (Part I), chap. III.

[22] Official Records of the General Assembly, Fifty-first Session, Supplement No. 18 (A/51/18).

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Calls upon States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention;

4. Commends the Committee on its working methods, including its procedure for reviewing the implementation of the Convention in States whose initial and periodic reports are overdue and the formulating of concluding observations on reports of States parties to the Convention;

5. Commends the Committee for its contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action, including by the continued collaboration between the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities;

7. Welcomes the cooperation and exchange of information between the Committee and relevant structures and mechanisms of the United Nations, including the United Nations High Commissioner for Human Rights, as well as the process of establishing liaisons with other international organizations;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[23]

9. Expresses its profound concern at the fact that a number of States parties to the Convention have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under paragraph 6 of article 8 of the Convention;

10. Urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention regarding the financing of the Committee and expeditiously to notify the Secretary-General in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties on 15 January 1992 and endorsed by the General Assembly in its resolution 47/111, and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

---

[23] A/51/430.

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means to ensure the functioning of the Committee;

12. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-second session;

13. Decides to consider at its fifty-second session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee;

III

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

14. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[24]

15. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto;

16. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for action beyond the Decade;

17. Requests those States that have not yet become parties to the Convention to ratify it or accede thereto;

18. Encourages States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

19. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

---

[24] A/51/435.

DRAFT RESOLUTION III

Third Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

Recalling the Universal Declaration of Human Rights,[25] the International Convention on the Elimination of All Forms of Racial Discrimination[26] and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[27]

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[28] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

---

[25] Resolution 217 A (III).

[26] Resolution 2106 A (XX), annex.

[27] United Nations Treaty Series vol. 429, No. 6193.

[28] A/CONF.157/24 (Part I), chap. III.

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Noting with concern that technological developments in the field of communication, including computer networks such as the Internet, have been used for dissemination of racist and xenophobic propaganda throughout the world,

Having considered the reports submitted by the Secretary-General[29] within the framework of the implementation of the Programme of Action for the Third Decade,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[30]

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrine of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

3. Calls upon Governments to cooperate more closely with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to enable him to fulfil his mandate;

---

[29] E/1996/83 and A/51/541.

[30] Resolution 45/158, annex.

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

5. Requests the United Nations High Commissioner for Human Rights to give priority, through the Centre for Human Rights of the Secretariat, to the follow-up of programmes and activities for combating racism and racial discrimination;

6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

8. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

9. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

10. Recommends that a seminar be organized by the Centre for Human Rights in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other relevant United Nations bodies, non-governmental organizations and Internet service providers, with a view to assessing the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

11. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

12. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

13. Requests States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

14. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific

and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

15. Considers that all the parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

16. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, which was reflected in the fact that the Centre for Human Rights was able to organize only one seminar since its adoption by the General Assembly in 1993, and notes that unless a supplementary financial effort is made very few of the activities planned for the period 1994-1997 will be carried out;

17. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

19. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

20. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

21. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

22. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade;

23. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

24. Invites the Commission on Human Rights to consider at its fifty-third session as a matter of priority the question of a possible world conference to combat racism, racial discrimination, xenophobia and other related contemporary

forms of intolerance, and to make appropriate recommendations through the Economic and Social Council to the General Assembly at its fifty-second session;

25. Requests once again the Secretary-General to consult Member States and intergovernmental, as well as non-governmental, organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance;

26. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of the highest priority at its fifty-second session.

16. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Document considered by the General Assembly in connection with the elimination of racism and racial discrimination

The General Assembly takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid.[31]

---

[31] A/51/427.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/618
27 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 109

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with item 108 at its 24th to 28th, 35th and 38th meetings, from 5 to 7 and on 13 and 14 November 1996, and took action at its 40th and 42nd meetings, on 15 and 18 November. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/51/24-28, 35, 38, 40 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/51/414);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/51/392);

(c) Letter dated 30 September 1996 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-first session

of the General Assembly, held in New York on 25 September 1996 (A/51/473-S/1996/839);

(d) Letter dated 21 October 1996 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/51/532-S/1996/864).

4. At the 24th meeting, on 5 November, the Assistant Secretary-General for Human Rights and the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made introductory statements (see A/C.3/51/SR.24).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/51/L.25

5. At the 35th meeting, on 13 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Andorra, Angola, Austria, Bahrain, Bangladesh, Belgium, Brazil, Brunei Darussalam, Chile, Colombia, Cuba, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Ghana, Greece, Guinea, Guinea-Bissau, Honduras, Indonesia, Ireland, Italy, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Namibia, the Netherlands, the Niger, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, Spain, the Sudan, Sweden, Tunisia, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Viet Nam, Yemen and Zambia, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/51/L.25). Subsequently, Japan, Kyrgyzstan and the Lao People's Democratic Republic joined in sponsoring the draft resolution.

6. At its 42nd meeting, on 18 November, the Committee adopted draft resolution A/C.3/51/L.25 by a recorded vote of 138 to 2, with 11 abstentions (see para. 17, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco,

Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Estonia, Fiji, Georgia, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), Norway, Republic of Moldova, Uzbekistan.

7. Before the adoption of the draft resolution, statements were made by the representatives of Israel and the United States of America (see A/C.3/51/SR.42).

8. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic, the Islamic Republic of Iran, Norway and Argentina and the observer for Palestine (see A/C.3/51/SR.42).

B. Draft resolution A/C.3/51/L.26

9. At the 35th meeting, on 13 November, the representative of Nigeria introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/51/L.26).

10. At the 40th meeting, on 15 November, the representative of Nigeria orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "the danger which the activities of mercenaries constitute to developing countries, particularly in Africa" were replaced by the words "the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States";

(b) In operative paragraph 1, the words "to undermine the right of peoples to self-determination despite resolution 50.138" were replaced by the words "to violate the human rights of peoples and impede the exercise of self-determination despite resolution 50/138";

(c) In operative paragraph 7, the words "the new elements identified in" were deleted before the words "the use of mercenaries".

11. Afghanistan, Algeria, Cuba, Egypt, Ethiopia, Ghana, India, Kenya, Liberia, the Niger, Togo, Uganda and Viet Nam joined in sponsoring the draft resolution as orally revised.

12. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.26, as orally revised, by a recorded vote of 96 to 17, with 37 abstentions (see para. 17, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Belarus, Bosnia and Herzegovina, Bulgaria, Congo, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Israel, Kazakstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan.

13. Before the adoption of the draft resolution, statements were made by the representatives of Ireland and Ghana (see A/C.3/51/SR.40).

14. After the adoption of the draft resolution, a statement was made by the representative of Nigeria (see A/C.3/51/SR.40).

C. Draft resolution A/C.3/51/L.28

15. At the 35th meeting, on 13 November, the representative of Pakistan, on behalf of Albania, Azerbaijan, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Djibouti, Egypt, Honduras, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Sierra Leone, Singapore, Thailand and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/51/L.28). Subsequently, Togo joined in sponsoring the draft resolution.

16. At its 38th meeting, on 14 November, the Committee adopted draft resolution A/C.3/51/L.28 without a vote (see para. 17, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Noting the developments in the Middle East peace process, including the mutual recognition and the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington on 13 September 1993 by the Palestine

---

[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 50/6.

Liberation Organization, the representative of the Palestinian people, and the Government of Israel,[6] as well as the ensuing implementation agreements, in particular the interim agreement of 28 September 1995,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;

2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. Urges all States, specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

DRAFT RESOLUTION II

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994 and 50/138 of 21 December 1995,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

---

[6] A/48/486-S/26560, annex.

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[7] adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights[8] concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite resolution 50/138;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Centre for Human Rights of the Secretariat, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-second session.

---

[7] Resolution 44/34, annex.

[8] A/51/392, annex.

DRAFT RESOLUTION III

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[9] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on

---

[9] Resolution 2200 A (XXI), annex.

Human Rights at its thirty-sixth,[10] thirty-seventh,[11] thirty-eighth,[12] thirty-ninth,[13] fortieth,[14] forty-first,[15] forty-second,[16] forty-third,[17] forty-fourth,[18] forty-fifth,[19] forty-sixth,[20] forty-seventh,[21] forty-eighth,[22] forty-ninth,[23] fiftieth,[24] fifty-first[25] and fifty-second[26] sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of

---

[10] See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[11] Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[12] Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[13] Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[14] Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[15] Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

[16] Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

[17] Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[18] Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[19] Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

[20] Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[21] Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

[22] Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[23] Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

[24] Ibid., 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[25] Ibid., 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[26] See E/1996/L.18; to be issued in final form as Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1995/23).

7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994 and 50/139 of 21 December 1995,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[27]

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-second session under the item entitled "Right of peoples to self-determination".

---

[27] A/51/414.